



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

SEPTEMBER 27, 2005

PRESENT: Acevedo, Benich, Davenport, Escobar, Lyle, Mueller

ABSENT: Koepp-Baker

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Linder, Senior Planner (SP) Tolentino, Senior Civil Engineer (SCE) Creer, and Minutes Clerk Johnson

Chair Lyle called the meeting to order at 7:05 p.m., by leading the flag salute.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Lyle presented the opportunity for public comment.

Commissioner Benich congratulated Commissioner Mueller on completion of the Morgan Hill Leadership Class of 2005. Commissioner Benich noted this is an opportunity to be involved with the 'real workings of the City', as he urged the students present to partake of such opportunities. Commissioner Mueller said, "It was a good experience and also made me much more knowledge of local government." He acknowledged the local Rotary Club as his sponsor for the class.

With no others present indicating a wish to address matters not on the agenda, the time for public comment was closed.

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COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE SEPTEMBER 13, 2005 MINUTES, AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

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NEW BUSINESS:

**1) VAR-05-02:
MONTEREY-
MORGAN HILL
MUSEUM/ACTON
HOUSE**

A request for approval of a variance from the required front and side building setbacks in the O-S, Open Space district to accommodate relocation of the Morgan Hill Museum (Acton House) to the property located at 17860 Monterey Rd. The project is categorically exempt under section 15301 of the state CEQA guidelines.

PM Rowe presented the staff report, noting this is a 'set back/variance request '. PM Rowe told the history associated with the matter, and reminded that earlier this month (September 2005) the Planning Commission had met with the Architectural Review Board (ARB) to jointly approve plans for the relocation of the Morgan Hill Historical Museum building (Action House) from the Civic Center to the Morgan Hill House property on Monterey Road. PM Rowe reminded Commissioners of the need to position the Acton House building as close as possible to the northerly property line at the relocation site in order to preserve the important visual corridor between the historic Morgan Hill House and Monterey Road. He told this deviation of the setbacks required, 14 feet in the front and 8 feet to the side in the Open Space zoning, could be made with the required variance findings. PM Rowe stated that the Morgan Hill House and the surrounding property are designated as historically significant and this is the only designated Historic Site in the City; therefore special circumstance is included in the proposed approval. He also noted that resolution is being sought at the request of the Commission Chair when it had been noticed that Public Facilities Zoning requires difference variances than Open Space during discussion of the Use Permit during the meeting with the ARB.

Commissioner Acevedo inquired as to the historical designations for both the Morgan Hill House (National Register) and Acton House (local historical significance).

Chair Lyle opened the public hearing.

With no persons present to address the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED RESOLUTION NO. 05-49, APPROVING A VARIANCE FROM THE REQUIRED FRONT AND SIDE YARD SETBACKS, ALLOWING AN EIGHT FOOT SETBACK FROM THE NORTH PROPERTY LINE AND A FOURTEEN FOOT SETBACK FROM THE EAST PROPERTY LINE TO ACCOMMODATE RELOCATION OF THE MORGAN HILL MUSEUM (ACTON HOUSE) TO A SITE IN THE OPEN SPACE ZONING DISTRICT AT 17860 MONTEREY ROAD, as he called attention to Section 4 D: the City shall initiate a zoning amendment on the subject property within 90 days of the approval action to change the zoning from Open Space to Public Facilities to conform to the General Plan. COMMISSIONER ESCOBAR REFERENCED THE REQUIRED FINDINGS AND CONDITIONS WITHIN THE RESOLUTION AND PROVIDED THE SECOND. THE MOTION WAS PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

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2) DAA-04-07: MONTEREY- SOUTH COUNTY HOUSING

A request to amend the development agreement for a 54-unit multi-family affordable housing project located between Monterey Rd and Del Monte Ave, north of Wright Ave, in the R3 zoning district. The applicant is requesting up to a 10-month extension of time to submit for final map and building permit approval, obtain building permits, and commence construction of the 54 apartment units.

SP Tolentino gave the staff report, noting this is a request for extension of time at South County Housing's Royal Court location, which contains 54 apartment units, 12 for-sale town home units, and a manager apartment. SP Tolentino said there had been some concerns regarding the location of the project within the flood plain and decisions regarding those issues had to be coordinated with the Santa Clara Valley Water District, as well as with the City of Morgan Hill, so there had been significant delays in commencement of the work. Now, however, SP Tolentino said, those issues had been resolved, but that delay caused the applicant to ask for the extension of time for obtaining building permits and instigation of construction on the 54 units. SP Tolentino opined that the recordation of the final map may be expected next week.

Commissioner Mueller stated he could see the final map delayed 60 days but questioned a 10 month extension. SP Tolentino noted that South County Housing was utilizing the time in an effort to file for tax credits. Commissioner Mueller clarified that South County Housing was actually asking for enough time for two tax filing periods. Chair Lyle asked if South County Housing had obtained any credits during the last request cycle? [yes]

Chair Lyle opened the public hearing.

Robert Kushner, 17660 Monterey Rd., #G, told the Commissioners he owns an apartment building in the City and asked the Planning Commission to discourage any further low income residences on Monterey Road. Mr. Kushner spoke on how, as an owner, he felt competition such as South County Housing was unfair and caused him to have to lower rents, as he had lost three tenants to low income housing. Additionally, Mr. Kushner claimed that such projects as that intended by South County Housing lower property values.

Charlie Swiontel, 197 Del Monte Lane, told the Commissioners that he lives across the street from the South County Housing development on Del Monte Avenue and is President of the Home Owners Association (HOA). Mr. Swiontel said the residents of the development where he lives have 'no problem' with an extension of time and claimed the residents are glad to have South County Housing as a principal in the development. Mr. Swiontel said the only question was the fate of the Royal Court Motel. "We had been told the structure has historical significance and would be moved and used for caretaker's quarters. Now it appears to have been bulldozed," Mr. Swiontel said. It was clarified that the Motel was being reconstructed – with the original design retained - for future use.

Cynthia Iwanaga, 9015 Murray Ave., Gilroy, was present as the spokesperson for South County Housing. Ms. Iwanaga addressed Mr. Kushner's concerns by telling of a marketing study which South County Housing had conducted which indicates an increased need for low income housing in Morgan Hill. Commissioner Mueller asked

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what level(s) of income South County Housing would serve with this development? Ms. Iwanaga said the level would be between 30 -60 % of the local median income which would be about 60% of \$108,000 in Morgan Hill.

Commissioner Benich expressed alarm that South County Housing had waited a very long time to ask for the extensions and he wondered if some deadlines have passed already which were agreed upon in the application. Ms. Iwanaga explained the tax credit application process and pointed out that the building permit submission had been made this date.

Chair Lyle inquired as to the status of the tax credits. Ms. Iwanaga responded that the application had been completed in July and early indications have been that tomorrow in Sacramento positive news will be received regarding the award.

Chair Lyle noticed that it appears the requested dates may be stretching the City's ABAG quota for low income housing too far out, as he spoke on the possible need for date adjustments.

Ms. Iwanaga reiterated that South County Housing personnel had 'submitted today for the building permits'. As he pondered the 'pull' permits date of March 30, 2006, Chair Lyle wondered if that would be a realistic date. Ms. Iwanaga responded that South County Housing anticipated pulling the permits in the spring. Chair Lyle suggested a realistic date for 'pulling' the permits would be April 30, 2006.

Commissioner Acevedo raised the issue of the date of the last survey for flood plain data. Ms. Iwanaga indicated that issue was brought up earlier this year and South County Housing personnel had thought it resolved at that time, but it took much longer than originally thought.

With no others present to address the matter, the public hearing was closed.

**COMMISSIONER MUELLER OFFERED RESOLUTION NO. 05-58,
RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT
AMENDMENT APPLICATION, DAA-04-07: MONTEREY SOUTH COUNTY
HOUSING (ROYAL COURT), WITH MODIFICATION OF DATES TO
EXHIBIT A:**

IV. BUILDING PERMIT SUBMITTAL: ~~MAY 1, 2006~~ SEPTEMBER 30, 2005

V. BUILDING PERMIT:

OBTAIN BUILDING PERMITS: ~~JULY 1, 2006~~ APRIL 30, 2006

COMMENCE CONSTRUCTION: ~~AUGUST 1, 2006~~ JUNE 30, 2006

Commissioner Acevedo requested further information on the Royal Court Motel. SP Tolentino advised that on inspection, it was determined that the structure could not be moved. However, South County Housing had committed to construction of a structure with identical design, except that there will be six units instead of ten.

Commissioner Benich asked who would pay for the construction. [South County Housing] Commissioner Mueller asked about the materials for construction. SP Tolentino explained that it was not required for the structure to retain the original

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materials. Commissioner Mueller lamented, "Then we have basically lost history in the City." SP Tolentino told of a survey of motor courts and how South County Housing has met the obligation as set forth.

Commissioner Acevedo noted for the audience that this project (application) had already been approved and had received allocations.

Discussion ensued, with further clarification of dates for Exhibit A in the Resolution

COMMISSIONER ACEVEDO, NOTING THE FINDINGS AND CONDITIONS CONTAINED THEREIN, SECONDED THE MOTION OF APPROVAL OF RESOLUTION NO. 05-58. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; KOEPP-BAKER WAS ABSENT.

Chair Lyle explained that, because of the unity of items 3 and 4, there would be one staff report, with two public hearing (one for each item) and that discussion would involve both the issues.

3) GPA-04-10: E. DUNNE-BASANTY A proposed amendment to the General Plan Land Use Diagram, changing the land use designation on 3.47 acre parcel on the south side of E. Dunne Ave., east of Church St., from Industrial to Mixed Use.

4) GPA-04-09/ZA-05-01: MONTEREY-ALCINI A proposed amendment to the Morgan Hill General Plan Land Use Diagram, changing the land use designation on 9.79 acres bounded by E. Dunne Avenue to the north, Church St. to the east, Bisceglia Ave. to the south and Monterey Rd to the west. The proposed amendment will be from Multi-family Low Residential and Commercial to Mixed Use.

PM Rowe gave the staff report, noting the proximity of the properties to Church and East Dunne Streets, along with other points of location. PM Rowe indicated that basically item 3 (E. Dunne-Basanty) represents an intent to replace the existing uses with a mixed-use commercial and residential project that would unite the adjacent residential development proposed in a Measure C application (Church-Alcini). Item 4 represents a proposal to amend the southeast corner of E. Dunne Avenue and Church Street from Industrial to Mixed Use on 3.47 acres, where the applicant has proposed a mixed use project of ground floor retail, with dwelling units on the upper floors. PM Rowe provided the background of the interrelated requests, as well as the current zoning and compatibility of use in the area. PM Rowe also addressed the issues of:

- . continuation of downtown streets to the site (is in the General Plan with additional extensions)
- . appropriateness of the proposal with Policy 13f of the General Plan
- . fact that Mixed Use on the site (E. Dunne-Basanty) will be more compatible
- . an Environmental Review suggests compatibility with the adjoining land use
- . train service has declined over the years, with potentially less impact of noise; however, the need to address noise exists
- . mitigation for the nearby Industrial Park
- . study of the project analysis

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Commissioner Mueller indicated that somewhere along the way there needs to be discussion of the South Valley Industrial Park as it might be something other than industrial. He noted there is not a high probability of the Park, remaining industrial, as it is surrounded on three sides by residential units. PM Rowe agreed, and noted the higher demand for residential.

PM Rowe explained the Resolutions presented for consideration, and advised the Commissioners that the proposed zoning changes applies to the entire site. He also noted the expansions explained in the staff report. PM Rowe said there is a scheduled appointment for the application to be filed on Alcini, so the Measure C competition for Downtown may be affected as well. PM Rowe also said that, "If the Planning Commission recommends this change then it will be heard by the City Council at the October 5 meeting." PM Rowe said this request is unusual in the timing, as he explained how the process works and the timing involved. PM Rowe advised that Measure C applications have to be reviewed for General Plan consistency.

Commissioner Benich, referencing the Initial Study, indicated a number of observations due to inconsistencies in the item presentations. "I do not like the way it was written" he declared and went on to describe how the Mitigated Negative Declaration determines that on the basis of a report, that although the project could have significant impacts, he did not consider them significant at all. Commissioner Benich then called attention to items of concern in the Study:

- tree nesting raptors
- burrowing owls
- in Appendix A, references to mocking birds and gopher holes (low quality)
- sensitive plants

Commissioner Benich spoke of the area under discussion as 'marginal habitat' and reiterated objections to 'the way it is written', as he said, "These items are less than significant." PM Rowe explained that the Mitigated Negative Declaration presented is 'standard procedure' for addressing items raised in the Initial Study. Commissioner Benich continued the objections saying, "When nothing is found, we should not be concerned. We are not talking about a park in the middle of the City."

Commissioner Acevedo pointed out that before discussion could be concluded; the proposed Resolutions should be corrected and presented. [A duplicate of Resolution No. 05-52 was distributed in the Commissioner's packets; Therefore, during a break Resolution No. 05-53 was distributed.]

Commissioners raised several issues regarding the prepared report:

- incorrect population numbers (concern: transportation/circulation references a report of last year; problem: errors in that report understated traffic issues, and now with new projects, the shortcomings in levels of service are understated; transportation may be very marginal)
- Mitigated Negative Declaration
 - not written in regular/ not standard form
 - at the time of future development, proposed measures should be resolved (appears somewhat contradictory; need for clarity
 - conclusion: no issue with parks (everything hunky dory) yet

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- previous reference indicates otherwise
- Police and Fire: written as though the services are 'sort of ok' [not; as public testimony at City Council shows 15 Officers short; also same with Fire personnel; operations issues not addressed
- Concern of raising density, so high density between Monterey and Butterfield on Dunne
- mitigation of run off; Butterfield Channel unavailable, so need to identify pond (or something) on small sites

Other issues discussed were:

- number of non-conforming sites inside the proposed zone area [very few - most commercial uses on Monterey are conforming]
- 'mixed use' can be commercial or residential or commercial/residential
- City's intent to have 'real mixed use' (PM Rowe gave an overview/ explanation of mixed use) on this site [PM Rowe assured that the proponents tend to do just that]
- examples of mixed use in the downtown area: West 3rd and Monterey residential above; retail on ground floor.

Commissioner Davenport asked about the (over) 10 homes over 50 years old [page 29], asking if these residences would be destroyed? PM Rowe tells of the potential for redevelopment for the area, and noted that any application would have to be evaluated by staff. PM Rowe stated that individual sites would not be impacted.

Chair Lyle opened the public hearing for item 3 (GPA-04-10: E. Dunne-Basanty).

No one in the audience indicated an interest in speaking to the matter; therefore, the public hearing was closed.

Chair Lyle opened the public hearing for item 4 (GPA-04-09/ZA-05-01: Monterey-Alcini)

Vince Burgos, 370 Castenada Ave., San Francisco, representative of the applicant, said that in the original application, these were strictly two separate, distinct parcels. He explained that the Planning staff asked for the inclusion of area in a General Plan Amendment, and were told of the owner's plan for mixed use with commercial operations below and residential above. Mr. Burgos asked for concurrence by the Commissioners with the request. He said that the properties which are adjacent between the Church properties will be required to be part of the study at a cost to the applicants, who have agreed with the costs. Mr. Burgos said the applicants have made an appointment to submit Measure C applications next week.

Commissioner Mueller offered an opinion that it was not appropriate to have the Planning Commission act on the matter before the time for public comment is closed. Mr. Burgos explained that the applicants have experienced some delays in the process, but there has been no intent to try to circumvent anything or anyone. Mr. Burgos insisted, "The applicants are intent on doing this, but their financial situation requires acceleration."

Rick Dresser, 174 Serene Dr., asked questions regarding property he owns, which he

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described as legally non-conforming. Mr. Dresser asked if there was anything in the proposed rezoning whereby the City is planning to widen the street? Commissioner Mueller explained the applicant's/City's plans to rezone and the need to look at the whole area. He expressed an opinion that the new zoning benefits all owners in the area, but may or may not help individual property owners.

With no others present to address the matter, the public hearing was closed.

Responding to the Commissioner's questions, SE Creer advised there were no current plans for widening Dunne Avenue, and any widening would only involve space for a bike lane. Chair Lyle expressed concern that the road is inadequate now.

Commissioner Acevedo clarified that any widening at Mr. Dresser's property frontage would involve the responsibility from the property owner as well as the City. SE Creer stated that if development occurs, yes.

Commissioner Mueller stated that at some point, Dunne will go under the railroad starting at Church, and that will have a significant impact on the way development occurs on Dunne. SE Creer said that changes in the road configuration referenced by Commissioner Mueller would involve a 'lot of dollars and could only be anticipated far in the future'.

Commissioner Mueller continued to express disappointment with the Initial Study, citing:

- weaknesses in the document information
- unhappiness with the Environmental Review
- dissatisfaction with a recommendation of three-story buildings south of Dunne

It was noted that west of Monterey Road there is a scattering of tall buildings, but not at this location. Commissioner Mueller said that when talking about putting three-story buildings along south of Dunne, he would object to a 'big wall look'. "I have no problems with mixed-use that far south, but three-stories are not ok. I think the industrial park will go away and come back, as all high density, if three-story buildings, are permitted, so I have a concern if it is the right thing to do," he said.

PM Rowe pointed out that three stories are currently allowed on Monterey. Chair Lyle objected, saying, "So this would allow three stories on Church."

Discussion ensued regarding the proposed high speed railroad. PM Rowe advised that if the high speed is built, the underpass must be completed.

Chair Lyle stated that the Initial Study appeared to be 'overkill where the environmental issues were entailed. He also expressed concern of expanding businesses north and to Main." I would rather see a compact downtown with walk-ability as discussed during the General Plan update.

Commissioner Mueller said this proposal would result in more single family and retail, than downtown.

Commissioner Escobar said that there appears to be no solidification on downtown; what to expect. "It appears that the plans for the business district are so unsettled, that it just becomes more constraints for downtown," Commissioner Escobar said.

Commissioner Benich indicated a preference for rezoning to mixed use as some areas are blighted and he felt 'doing something' here would make it more attractive.

Discussion ensued regarding

- . preferences for three-story buildings
- . potential for feathering.
- . parking requirements having been forgiven by the City Council [PM Rowe explains this would not pertain to visitor parking]
- . expansion of downtown area
- . processes of going through and beyond initial study
- . negative declaration approvals by the Commissioners and/or the City Council

Following lengthy debate, **COMMISSIONER ACEVEDO MOTIONED TO ACCEPT AND APPROVE THE MITIGATED NEGATIVE DECLARATION AS PRESENTED AND KNOWN AT THIS TIME. COMMISSIONER DAVENPORT SECONDED THE MOTION.** The motion passed by the following vote: **AYES: ACEVEDO, DAVENPORT, LYLE, MUELLER (while expressing concerns of passage/action on the matter with the open public comment period still running); NOES: BENICH, ESCOBAR (both of whom expressed objections to the notice of the lack of impacts, and that it was inside the public comment period); ABSTAIN: NONE; ABSENT: KOEPP-BAKER.**

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 05-51, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT, GPA-04-10: E. DUNNE - BASANTY TO AMEND THE LAND USE DESIGNATION FROM INDUSTRIAL TO MIXED-USE FOR TWO PARCELS TOTALING 3.47 ACRES LOCATED AT THE SOUTHEAST CORNER OF EAST DUNNE AVENUE AND CHURCH STREET, INCLUSIVE OF THE FINDINGS AND CONDITIONS. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; KOEPP-BAKER WAS ABSENT.

NOTING THE FINDINGS AND CONDITIONS WITHIN THE RESOLUTION, COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 05-52, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT, GPA-04-09: MONTEREY – ALCINI TO AMEND THE LAND USE DESIGNATION FROM COMMERCIAL TO MIXED-USE FOR TWENTY SEVEN PARCELS TOTALING 9.78 ACRES LOCATED BETWEEN MONTEREY ROAD AND CHURCH STREET, FROM EAST DUNNE AVENUE, SOUTH TO BISCEGLIA AVENUE. COMMISSIONER DAVENPORT SECONDED THE MOTION AS PRESENTED. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, LYLE; NOES: MUELLER (who expressed concern that the proposal contains an area too far south of Dunne); ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

COMMISSIONER ACEVEDO OFFERED RESOLUTION NO. 05-53,

RECOMMENDING APPROVAL TO AMEND THE ZONING DESIGNATION FROM ML, LIGHT INDUSTRIAL, R-2 (3,500) RESIDENTIAL AND CG GENERAL COMMERCIAL TO CC-R CENTRAL COMMERCIAL/ RESIDENTIAL FOR TWENTY NINE PARCELS TOTALING 13.5 ACRES LOCATED AT THE SOUTHEAST CORNER OF EAST DUNNE AVENUE AND CHURCH STREET AND THE SOUTH SIDE OF EAST DUNNE AVENUE BETWEEN MONTEREY ROAD AND CHURCH STREET NORTH OF BISCEGLIA AVENUE. COMMISSIONER DAVENPORT SECONDED THE MOTION, STATING HIS INTENT TO HAVE THE FINDINGS AND CONDITIONS WITHIN THE RESOLUTION INCLUDED.

Chair Lyle said he would be voting against the motion, as he was not in favor of three story building at this site and further that he objected to the deletion of visitor parking in the area.

Commissioner Acevedo argued that the three-story issue could be solved by designating property on railroad frontage for those buildings. He further stated that thinking it would be appropriate, as that would help with mitigation of noise. "I would just prefer the tall buildings along the railroad tracks," he said.

Chair Lyle responded that the taller buildings would also make big reflections for houses on the other side.

Commissioner Mueller said tht it would be wrong to set up an area where people would have to be living with all those noises, so he was not in favor of three stories, either. "This is a problem, as it becomes an 'all or nothing'. That means there is no way to limit the area to two stories. We need to look at compatibility and the outcome we want." Discussion ensued regarding concern of three-storied buildings at this location with no PUD overlay over all the area and how it could dwarf nice two-story dwellings in the area. PM Rowe spoke on current height requirements in the City.

THE MOTION DID NOT PASS AS THE VOTE WAS: AYES: ACEVEDO, DAVENPORT; NOES: BENICH, ESCOBAR, LYLE, MUELLER (all with objections to the issue of three-story buildings and concerns of parking); ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

PM Rowe advised that if the only issue was the height limit objection, the Commissioners could recommend different solutions to be sought.

Commissioner Mueller said for the sake for discussion, he would propose: what if there were changes to the Resolution to say the Commission recommended that a PUD overlay be placed on the property for the purpose of controlling the height and the height be achieved closer to Monterey, with 'step backs' for the rest of the CC&Rs.

PM Rowe advised it would be necessary to have denial of the CC&Rs zoning, then place the PUD zoning. Commissioners Benich/ Escobar expressed disinterest in the proposal, as it 'still doesn't solve the parking problem'.

Commissioner Escobar said he would prefer having three-storied buildings on main streets rather than going into residential but the main concern is parking. Commissioner

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Benich echoed the lack of parking concerns.

Consequential discussion involved issues of the 29 parcel owners agreeing to the conditions of the PUD and the PUD guidelines adopted by the City. The Commissioners continued discussion relating to the three-story buildings and concerns of the lack of parking requirements in the area.

**5) GPA-05-03/
ZA-05-10:
CONDIT-
KUBO/PATEL**

A request to amend the General Plan land use designation from Office Industrial to Commercial on a 19.87 acre area consisting of three parcels located adjacent to the east side of Hwy 101 on the southwest quadrant of the intersection of Diana Ave. and Condit Rd. Also requested is the pre-zoning of the area as a Planned Unit Development PUD.

SP Linder gave the staff report, telling the location of the parcels and indicating intent to pre-zone the area to PUD. SP Linder pointed out that to change the land use designation on the property, three General Plan goals and policies needed to be considered:

Goal 11: Adequate land for industrial development

Goal 9: Sufficient and concentrated commercial uses

Goal 10: Sub-regional retail at freeway interchanges

SP Linder further explained that **Goal 1**(Economic Development) is closely tied to the previous three goals.

SP Linder gave details of the recommendation by noting:

- The City presently has an 11 year supply of vacant industrial land.
- The proposal considered at this meeting would not negatively impact the current 11 year supply.
- There is sufficient opportunity for new office/industrial uses.
- The City currently lacks sites for intensive retail development auto dealership, office supply and auto supply so leakage of uses because of the deficiency of services has caused notation of need for freeway visibility and accessibility; this requirement would help to reach Goal 1 of the City's Economic Development Goals.
- The property owner has requested the PUD designation which allows the City to specify permitted, conditional and prohibited uses which would assure new commercial development that would not compete with existing shopping centers or the downtown.
- The PUD allows for specific design guidelines to assure quality development.

Commissioners questioned if there would be a need to look at resultant environmental issues from the proposed General Plan/Zone change, such as traffic increase? SP Linder called attention to the report of the traffic consultants' scenario 2 (included in the staff report) had the 'greatest peak hour demand' which resulted in an eight vehicle increase which is considered an insignificant impact beyond what was already anticipated under the Office Industrial land use designation.

SP Linder recommended approval of the Negative Declaration as no special environmental impacts were noted at this time. "When a specific development proposal is received, the City will need to review and approve a development master plan and additional environmental review may be required at that time."

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SP Linder reminded that the property is not currently in the City boundaries but LAFCO has indicated this is one of the island annexation areas to be considered for annexation by the City in March or April of 2006.

Responding to a question from Commissioner Benich auto dealerships, SP Linder told of allowable uses within the proposal under discussion.

Commissioner Davenport inquired as to the current R&D vacancy rate. SP Linder responded that last year it had been reported to be 20%. Chair Lyle joined Commissioner Davenport in reporting a morning newspaper featured an article on R&D vacancy rates in the area and the 'numbers were very big'. Commissioner Davenport expressed concern of the large number of vacancies in the City.

Commissioner Mueller asked why the City was attempting to complete the action at this time. SP Linder explained the 'timing issue' regarding the City's policy for consideration of General Plan amendments twice a year. Commissioner Mueller commented this topic, with these permitted uses, generally brought anxious reaction from the public and noted that under this proposal, multiple auto dealerships could be allowed with the proposed action.

Commissioner Acevedo led discussion of how the Murphy Ave corridor study could be affect if there was a change in zoning.

PM Rowe advised that the corridor study indicated the City must maintain the circulation elements of Murphy but it transitions to the road curve after the Dunne intersection. Much is dependent on development at Cochrane Rd., he explained. Commissioners noted that completion of the new study is at least a year from completion. PM Rowe indicated that in terms of transitioning over, once the intersection is fixed then the extension will most likely be changed. Chair Lyle commented that the design looks strange, with the Cochrane Road 'wing back the other way'. PM Rowe advised the alignment would be with Mission View.

Chair Lyle called attention to page 7 of the staff report, and saying that the 'intersections acceptable levels' may be true for some alignments but not all. SP Linder cited existing reports which indicate the need for a traffic signal at Murphy and Dunne and stated she has the understanding that the project underway is putting in the signal. Consequently, she explained, with the Murphy signal in, that intersection would be brought up to an acceptable level.

Chair Lyle clarified that any proposed use would generate more traffic trigger the need for a new traffic study. Chair Lyle asked why 'drive-in' is listed as a conditional use? SP Linder said that drive-ins are traditionally a conditional use but it may not be needed on the list. Chair Lyle asked if consideration was given to three-story buildings in the study? SP Linder responded, "Not specifically just various sizes of extensive retail uses."

Chair Lyle called attention to page 10 (discharges of water need to be detained on site). Discussion followed which indicated that if the Water District does not allow outfall into the channel, more detention will be required on site.

Chair Lyle opened the public hearing.

Mr. Burgos advised he was representing the applicants in this matter. He indicted that the owners were aware of the report containing the permitted uses given in SP Linder's presentation. Mr. Burgos also stated that the property owners were aware of the permitted uses and the fact they must come forward with a specific plan at the time of development. Mr. Burgos explained that the owners of the property would like to move on from the current mushroom operations and were making the applications to do so. Mr. Burgos said that in response to discussion at this meeting, it would be 'Ok to strike drive-ins' from the list. Chair Lyle indicated he thought that would be wise as 'drive-ins' causes confusion and isn't needed.

With no others present to address the matter, the public hearing was closed.

Commissioner Benich commented that it seems as though there is a lot of vacant industrial space in the City and there is definitely the need for tax dollars. He said that since the report indicates the need for more variety of stores for shopping and when one looks at this land, this is a perfect plot of land for permitting uses to bring tax dollars to the City and provide shopping for the citizens.

COMMISSIONERS MUELLER/ ACEVEDO MOTIONED TO ACCEPT AND APPROVE THE NEGATIVE DECLARATION AS PRESENTED. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; KOEPP-BAKER WAS ABSENT.

Although he noted 'real concern about the lack of public input', **COMMISSIONER MUELLER OFFERED RESOLUTION NO. 05-54, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AND RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA-05-03: CONDIT RD.-KUBO CHANGING THE LAND USE DESIGNATION FROM INDUSTRIAL TO COMMERCIAL FOR A 19.87-ACRE AREA LOCATED AT THE SOUTHWEST CORNER OF CONDIT ROAD AND DIANA AVE. ADJACENT TO THE EAST SIDE OF HIGHWAY 101. COMMISSIONER BENICH SECONDED THE MOTION WHICH PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.**

Expressing 'real concern that when the application comes forward, there will be lot of public objection' nonetheless, **COMMISSIONER MUELLER OFFERED RESOLUTION NO. 05-55, RECOMMENDING APPROVAL OF A ZONING AMENDMENT FROM COUNTY A-20 TO PLANNED UNIT DEVELOPMENT (PUD) FOR A 19.87-ACRE AREA LOCATED AT THE SOUTHWEST CORNER OF CONDIT ROAD AND DIANA AVE., ADJACENT TO THE EAST SIDE OF HIGHWAY 101, INCLUSIVE OF THE FINDINGS AND CONDITIONS CONTAINED WITHIN. COMMISSIONER ESCOBAR SECONDED THE MOTION WHICH CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.**

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6) ZA-05-11: CITY OF M.H.- ESTABLISHMENT OF DOWNTOWN ADMINISTRATIVE USE PERMIT & CORRESPONDING FEE

Amendment to Chapter 18.54 of the Morgan Hill Municipal Code, establish Article IV, provisions for an Administrative Use Permit and corresponding application processing fee.

PM Rowe presented the staff report, advising that in January the City Council adopted the Ordinance for downtown (considered by the Commissioners at an earlier meeting) which extended the downtown boundary area and placed restrictions on ground floor office space and personal service businesses. In the area north of Main, PM Rowe explained that some buildings do not 'fit retail', as those buildings were built as office, so the current Ordinance imposes restriction on ground floor office uses. PM Rowe indicated there have several requests received by the Planning Department to change the code, and that the requests have been made to the City Council as well. He explained that the streamlined process would provide (in Article IV) for administrative approval of certain Use Permits. Applicants have been supporting the notion, PM Rowe said, as it will mean less time for conversion of existing buildings and less money lost during the process. PM Rowe noted that the permits will be subject to the Community Development Director's approval. He called attention to the documents presented, explaining the revisions, new numbering, and correction of data, ***including the deletion of 'drive-ins' as a conditional use***. Responding to questions from the Commissioners, PM Rowe noted that there would not be automatic annual reviews; however, a system for review would be implemented following initial Ordinance passage.

Commissioner Escobar, noting the fee recommended, asked if that fee is to be used for minor reviews? The fees, PM Rowe stated, should cover administrative costs for the 'abbreviated' permits. PM Rowe also advised that findings must be made for exceptions. Chair Lyle explained how staff could reject an application and such rejection would trigger full Planning Commission review.

Commissioners Mueller/ Acevedo asked for explanation of how the market rate is determined. PM Rowe said past practice has been to contact brokers or someone who knows the market and can ascertain if the market has support for a particular type of building.

Commissioners discussed:

- need to avoid opposing market (lease) rates in a way that would cause that opposition
- whether the City should be suggesting putting a cap on market rates
- concern that if the City did not agree with a market rate proposal, ultimately a cap could not be permitted
- fears of potential manipulation
- concern about how the program, as presented, could be managed (may not have full capacity to do, as must rely on market)

PM Rowe explained staff requirements: review the materials of application which would indicate marketing methods; as a result of the review, the Community Development Director may require a longer period for marketing effort.

Commissioner Mueller said a real concern was that staff would have the pressure of decision making and a further concern was that applicants might abuse the system.

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PM Rowe advised that applicants could build to accommodate retail sites.

Commissioner Mueller indicated thinking it might be difficult to market without known critical mass.

PM Rowe reiterated an earlier statement: some existing buildings do not lend to retail use.

Commissioner Benich said portions of the proposal might be analogous to a local developer who committed building a day care center on two lots, but then said if he can't get an operator for the business, he wants to build houses on those lots.

Commissioner Acevedo asked if the Business Assistance and Housing Department would have to produce a report, following the polling of retail numbers, or would that Department be the ones to conduct such a poll, or simply make the report? PM Rowe responded that this is a new program, and that s in place, improvements for smooth operations may have to be made.

Chair Lyle opened the public hearing.

Mr. Robert Kushner told the Commissioners the location of his building and said it just doesn't lend to retail. "I just want to rent space. I want a tenant. A question is: would it be possible for the Commissioners to delete the area north of Monterey from the Downtown Plan?" [No; the area was established by the City Council.] Mr. Kushner said he appreciated the City coming down on the fee schedule, but insisted it was still too high.

Regarding Section 18.54.250, Mr. Kushner said the items to be submitted are 'very vague'. PM Rowe and the Commissioners agreed to explore the section for potential change. Mr. Kushner asked how an owner could prove 90-day advertising? "There is just too much stuff. You're going in the right direction, but the process is too cumbersome," he declared.

With no others present to address the matter, the public hearing was closed .

Commissioner Acevedo asked if, in considering the findings, whether some buildings might be considered exempt or portions of buildings perhaps exempted, as often buildings could have office spaces only, particularly older buildings where some of them might not have frontage. PM Rowe advised that if the ground floor is non-conforming, it will continue to be a non-conforming use as long as the current use is continued. It was noticed that what triggered the matter was that an owner wanted to put a beauty salon in office space which was not presently permitted. PM Rowe stated it would be difficult to be selectively exempt, but that it could be dealt with on a site-by-site basis.

Chair Lyle asked how rigorous are the requirements of the site plan; would engineering drawings be required? PM Rowe advised there can be agreement with staff on an as-needed basis.

COMMISSIONER MUELLER OFFERED RESOLUTION NO. 05-56,

INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN, RECOMMENDING APPROVAL OF A ZONING ORDINANCE AMENDMENT TO ADD ARTICLE IV TO CHAPTER 18.54 (CONDITIONAL AND TEMPORARY USE PERMITS) OF TITLE 18 (ZONING) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL TO ESTABLISH PROVISIONS FOR DOWNTOWN ADMINISTRATIVE USE PERMITS, AND TO AMEND SECTION 18.24.030 TO ALLOW FOR ISSUANCE OF SUCH PERMITS FOR GROUND FLOOR OFFICE AND PERSONAL SERVICE USED LOCATED ALONG MONTEREY ROAD AND THIRD STREET, TOGETHER WITH MODIFICATION TO 18.24.250:

...INFORMATION EXCEPT AS MAY BE WAIVED BY THE COMMUNITY DEVELOPMENT DIRECTOR FOR PROPOSED USES IN EXISTING STRUCTURES.

Commissioner Benich informed he was sympathetic to Mr. Kushner with respect to the 90 day requirement. It just seems too long, he said. Commissioner Mueller reminded the goal is to get retail downtown. Commissioner Davenport expressed the view that it would be acceptable to have a prospective tenant rent while the advertising was completed.

Discussion ensued regarding:

- how long the time barrier is
- if the intent is to generate retail, owners should be required to promote retail over other uses
- trying to make downtown area ‘certain kind of area’
- need to look at certain retail for the downtown area
- not discourage any existing business
- length of time to complete the application process in total [probably 2 weeks staff time; 30 days total]
- potential for shortening time frame(s)

COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

Chair Lyle commented it would have been beneficial if the Downtown Association had provided input into the matter. PM Rowe said he had been informed by representatives of the Downtown Association that an official position had not been determined, but the general membership appeared supportive of the administrative use permit process and recommend approving the Ordinance.

Commissioner Acevedo informed that he had received communication from the Downtown Association that they had gotten the information on Monday regarding the matter under discussion, but had not enough time to poll the membership and so had not reached a position. Chair Lyle and Commissioner Mueller stated they felt this was a ‘cop out’, as the 10-day notice was available and the Downtown Association could receive and review that, then make contact with staff for further information as needed.

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**7) GPA-05-01:
CITY OF M.H.-
AMEND
CIRCULATION
ELEMENT/
MADRONE
PARKWAY
RAILROAD
CROSSING**

A proposed amendment to the Circulation Element of the General Plan and Map 4, the Circulation Plan, to eliminate the Madrone Parkway extension from Monterey Road to Hale Avenue and to add Tilton Avenue as a minor collector from Hale Avenue to Monterey Road.

PM Rowe gave the staff report, explaining the provisions of the proposed resolution, which would recommend the City Council keep the Madrone Parkway extension in the Circulation Element to the General Plan. Commissioner Mueller asked, as part of this, would a portion of Tilton be closed when the City gets a new at-grade? PM Rowe stated that this meetings' action would keep the same configuration for Tilton in the foreseeable future, and assist the Public Works Department in going ahead with plans for the at-grade safety improvements at Tilton Avenue. PM Rowe stated that when the City last visited the at-grade Madrone Parkway extension for the proposed Catholic high school, the high school development would complete the road extension to ~~Tilton~~ **Hale** Avenue. Currently, with the high school no longer proposed for this site it was uncertain as to when the new parkway would be installed between Hale Avenue and the railroad.

Commissioner Mueller said he thought if VTA goes ahead with double tracking if we don't go ahead, more serious issues might result.

Commissioner Acevedo reminded of upcoming City Council meetings on September 30 and October 3 and asked 'Why not wait to have discussion/action following those meetings?' Commissioner Mueller said that before City Council would take the Madrone Parkway extension out-of-plan, input should be received from the Commission. PM Rowe told a scenario of keeping Tilton and taking Madrone Parkway out had been discussed as earlier indicated (Catholic high school proposal), but the PUC objected to the at grade crossing near the high school. Now, however, it appears as if putting in safety fencing at Madrone Parkway and the City agrees to reserve land for a future overpass, approval may be obtained from the PUC, but it is unknown what Union Pacific Railroad will require to permit the at grade crossing, PM Rowe told the Commissioners.

PM Rowe advised of fiscal implications due to over tracking. Commissioner Mueller said he thought double-tracking would take Tilton out and put monies into Madrone Parkway.

COMMISSIONER MUELLER OFFERED RESOLUTION NO. 05-57, RECOMMENDING RETENTION OF THE MADRONE PARKWAY EXTENSION BETWEEN MONTEREY ROAD AND THE SANTA TERESA CORRIDOR BEING CONSIDERED FOR REMOVAL FROM THE GENERAL PLAN CIRCULATION PLAN UNDER GENERAL PLAN AMENDMENT APPLICATION, GPA-05-01, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; KOEPP-BAKER WAS ABSENT.

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**8) ZA-05-08: CITY
OF M.H.-
AMENDING THE
PARKING CODE
RELATING TO
TANDEM
PARKING & THE
ZONING CODE
LOT DEFINITION**

A proposed amendment to Chapter 18.50 of the Morgan Hill Municipal Code allowing tandem parking configuration for required parking in the CC-R, R-3 and R-4 zoning districts. An amended lot definition is proposed under Section 18.04.245 of the Municipal Code to allow access to a lot from a private street or access aisle.

PM Rowe reported that if passed, this would be an amendment to Section 18.04.245 of the Municipal Code allowing a townhome lot to be create in the interior portions of the project site that is bordered by public streets, providing access to those lots through interior circulation aisles, thereby having the desirable effect of minimizing the number of curb cuts on public streets and crating a more attractive pedestrian environment. The second amendment would be to Section 18.50.200 of the Municipal Code to allow tandem (front to back) parking for required parking in all residential districts.

Commissioner Mueller said it appears these changes are general and not just focused to higher density. He asked if the proposals could be limited to higher density? [Yes]

Commissioner Acevedo asked clarification as to the meaning/definition of tandem parking.

Discussion ensued regarding applications received in which developments have used tandem parking to supplement the required parking side by side parking, with PM Rowe further explaining that under the current Ordinance a tandem only configuration would not be acceptable. Commissioner Acevedo asked if this change would allow tandem as designated parking? It was agreed that such arrangement would be dependent on the HOA enforcement of the CC&Rs.

Chair Lyle opened the public hearing.

Scott Schilling, 16060 Caputo Dr. #160, urged the Commission to support the changes as presented. Mr. Schilling said he has visited other areas to view higher density developments and the proposed changes will give the needed flexibility for enhanced living environments in the row-houses from the drive aisles. Mr. Schilling also told other benefits including the flexibility needed in parking, especially in the downtown area. "Tandem parking does work in higher density areas where cars are needed, but parking is limited," Mr. Schilling said.

Chair Lyle asked if Mr. Schilling would like to consider the same proposal for the R-1 and Residential Estates zoning districts. Mr. Schilling responded he did not know if the arrangement would work in the R-1 district.

Commissioner Benich wondered if the proposed amendment would be applicable to the project at Cochrane and Monterey. He spoke in favor of the amendment being applied to R-2, R-3 and R-4 zoning.

The Commissioners engaged in lengthy discussion regarding the matter, with emphasis on:

- visibility of the interior lots in Mr. Schilling's project
- potential of tandem parking in the R-2, R-3 and R-4 zoning area
- tandem parking concept presents difficulty, as cars will park on the streets, possibly creating congestion

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Mr. Schilling observed that parking guidelines are fairly strict in some communities, while others are not as strict. He expressed the opinion that with current parking codes, tandem parking may cause more uniformity.

Commissioner Mueller said he thought the design to be good, but in practicality, it would not work. "I don't see it working in actuality," he declared.

Mr. Schilling said that the issue comes down to enforcement of the CC&Rs. "In the downtown area, are parking codes too strict?" he asked.

Commissioner Mueller said he was not convinced that tandem parking was the best solution or that it would work. "I would have to see a lot of evidence that tandem parking works," he said.

Mr. Schilling urged the Commissioners to consider the plan, saying, "It is worth trying."

With no others present to address the matter, the public hearing was closed.

Chair Lyle stated that when he thinks of tandem, it is being in a single file, but apparently it is not that at all.

Commissioner Escobar acknowledged that theoretically it could be 'pass through' parking.

Commissioner Davenport asserted that other communities, specifically citing Palo Alto, that many homes were planned with tandem parking. Like instances could be found in Santa Clara, Commissioner Davenport said, but the drivers have been found to avoid the tandem parking and put the automobiles on the surface streets.

Commissioner Escobar observed that in most neighborhoods in this community (Morgan Hill), that is the case as well. He told of recently moving and has seen in the new neighborhood, as with his previous residence, neighbors park in the driveway or on the street. Commissioner Escobar indicated the thought that others had stated: success is predicated on the CC&Rs and the desire of the HOA to see them enforced.

Commissioner Acevedo asked: "Why design friction among neighbors? With a lot of cars on the street already, this may cause more parking issues. I don't think this is a good idea."

Commissioners Benich and Escobar indicated support for the proposal if it included zoning districts R-2, R-3, and R-4.

Commissioner Acevedo said there were too many unresolved concerns.

Chair Lyle explained how the parking could be reassigned.

Commissioner Escobar stated that a decision here (within the Planning Commission discussion) will not change the habits of people and the results will be the same if parking is single file or doubled.

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Commissioner Mueller said that his concern is that of meeting higher-density standards. He indicated that he basically was not in favor of tandem parking, but acknowledged it may be 'ok' in higher-density areas.

Commissioner Acevedo remarked that if the CC&Rs do not allow shared parking, required parking for those tandem spaces can be arranged front-to-back per unit.

PM Rowe advised that the discussion/decision centers primarily on enclosed parking garages in the higher density areas.

Mr. Schilling requested the public hearing be reopened. Chair Lyle acquiesced.

Mr. Schilling said that because the City was considering making the change, developers have the ability to give a 'row effect' and can give each unit parking without requiring cluster parking at the end of the rows, so each unit could have an enclosed garage.

The public hearing was closed at this time.

The Commissioners discussed a requirement that tandem parking be limited only to enclosed garage space. It was noticed that desirable density could be achievable and the City could get higher density with tandem parking.

The Commissioners mulled the idea of providing modification to Section 1: Section 18.50.200 which would extend the ability to provide tandem parking in R-2, R-3, and R-4 zoning districts.

Chair Lyle reopened the public hearing.

Commissioner Mueller announced that he did not perceive the need for adding the provision to R-2.

Mr. Schilling explained that if a developer could have 13 dwelling units per acre, the layout would be beneficial and support tandem parking. He reminded that typically R-2 is built at the lower end of density.

Commissioner Mueller commented that R-2 density can occur 25% in an R-1 development, as he expressed doubt that the plan would look good nor work.

Mr. Schilling suggested the proposal be limited to only R-2.

Commissioner Mueller reminded that the proposal before the Commissioner makes the changes and is not restrictive.

Discussion followed regarding R-1 versus R-2 designations.

Commissioner Escobar recalled that an earlier suggestion would confine tandem parking to the downtown area, so if the zoning was for R-3 and R-4, further exploration of the request would be valuable.

Commissioner Mueller declared he was not comfortable with tandem parking and

remained unconvinced of any merit to the notion.

Chair Lyle closed the public hearing.

Discussion occurred regarding:

- tandem parking in the R-2, R-3, and R-4 zoning districts
- limiting the proposal to R-3 and R-4 and the CC&Rs of the developments
- whether tandem parking would work in an R-2 district (Commissioner Mueller insisted that tandem parking will show up in R-1 if it is allowed in the R-2)
- possible benefits to the R-2

COMMISSIONER ESCOBAR OFFERED RESOLUTION NO 05-58, AMENDING SECTION 18.04.245 OF THE MORGAN HILL MUNICIPAL CODE, ELIMINATING THE STREET FRONTAGE REQUIREMENT TO THE LOT DEFINITION, AND AMENDING SECTION 18.050.200, ELIMINATING THE RESTRICTION ON TANDEM PARKING FOR REQUIRED PARKING SPACES, INCLUDING THEREIN THE FINDINGS AND CONDITIONS AS LISTED AND WITH THE FOLLOWING MODIFICATION TO SECTION 3:

....required spaces except in the R-2, R-3, R-4 and CC&Rs district only, and as it applies to the enclosed garage space, not open areas.

COMMISSIONER BENICH SECONDED THE MOTION, WHICH CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, ESCOBAR, LYLE; NOES: DAVENPORT, MUELLER, both of whom expressed doubts/concerns that the plan could work; ABSTAIN: NONE; ABSENT: KOEPP-BAKER.

ANNOUNCEMENTS: At the September 21 City Council meeting, staff was directed to commit to annexation of the unincorporated islands of the City, PM Rowe said. The matter is being worked on and it is expected the Commission will discuss the matter in December or January, PM Rowe advised. He also indicated that at that same meeting, the Council Members approved the Commissioners' recommendation of desirable infill for Measure C inclusion, which had been discussed and acted upon at a recent Commission meeting.

PM Rowe indicated that the Planning staff had appointments for logging in nine applications for the upcoming Downtown Measure C competition. He indicated that there would be 2 -3 Affordable project applications and there may actually be a total of 10 project applications for the competition. PM Rowe suggested that at the next Commission meeting it would be helpful to have discussion for potential scheduling of the public hearings in December instead of after the first of the year.

Commissioner Benich reminded that there is an ethics meeting coming up.

Commissioner Acevedo requested reports 'from time to time' from the Morgan Hill Police Department, which could be beneficial in establishing goals to assist in consideration of crime prevention measures for community design and planning. "We spend a considerable amount of time at focused locations, so providing insight into various types of planning, we could hope to help the Police Department to be more cost effective," Commissioner Acevedo stated. Other Commissioners said the idea had merit,

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with Chair Lyle indicating a good time for such discussion is when the subcommittee for RDCS criteria meets.

Commissioner Mueller asked when the visioning objective for downtown will be considered? PM Rowe said he would check with the Community Development Director.

Commissioner Mueller responded that he believed the City Council considered it a 'pretty urgent thing to do'.

ADJOURNMENT: Having observed that there was no further business to come before the Commission at this meeting, Chair Lyle adjourned the meeting at 10:31 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk